

REMARKS

Claims 1-8 and 10 are pending in the present application.

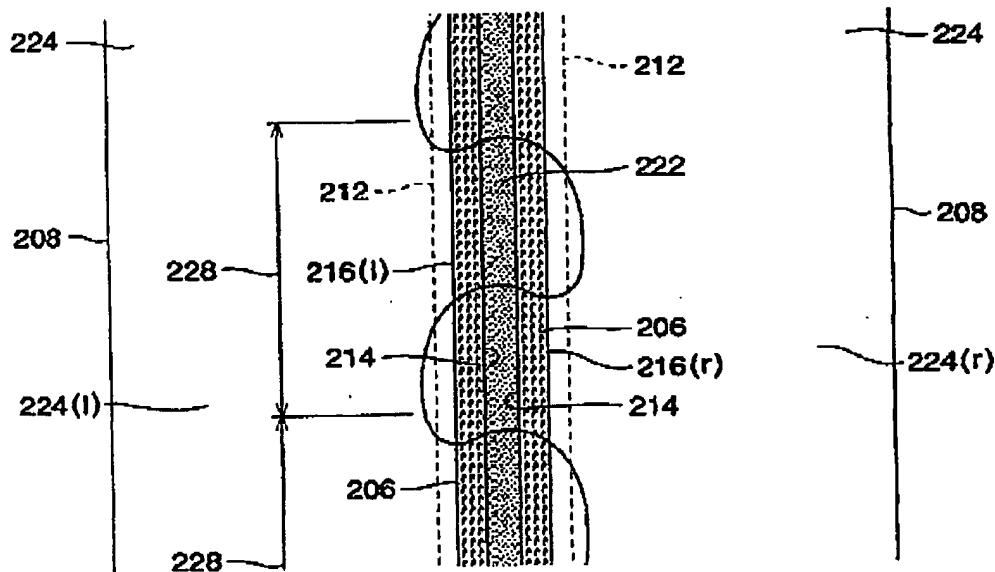
Rejection Under 35 USC §103(a)

Claims 1-4 and 6-7 stand rejected under 35 USC §103(a) as being unpatentable over Justmann '317 in view of Brutin '537 and Jacobs et al. '531.

Applicants traverse the rejection in view of the following remarks.

At the outset, Applicants submit that claim 1 includes the features of "cutting the continuous fastening composite web along a continuous cut line comprising a plurality of repeating patterns, each of the repeating patterns extending from one panel region through the two first fastening materials to reach the other panel region and extending to return from the other panel region through the two first fastening materials to reach the one panel region." (Emphasis added)

For the sake of clarity, an enlarged portion of Fig. 6 of the present application representing one exemplary embodiment of a plurality of pairs of fastening members is shown below:



As can be seen in this figure, each of the repeating patterns extends from one panel region through the two first fastening materials to reach the other panel region.

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As best understood by Applicants, Justmann '317 discloses that "[t]he resulting composite web 22 is divided along a first serpentine division line 62 and a second serpentine division line 62a, which are non-intersecting. The serpentine division lines repeatedly traverse across a substantially complete lateral width 104 of the first mechanical fastening component web and extend generally longitudinally along a medial region 28 of the composite web 22 to provide for a serpentine strip 80 which can be removed away and separated from the composite web. The first serpentine division line 62 has a first plurality of laterally inboard hill regions 114 and relatively outboard valley regions 115 which alternate in occurrence along the longitudinal dimension 86 of the composite web 22. The second serpentine division line 62a has a second plurality of laterally inboard hill regions 114a and relatively outboard valley regions 115a which alternate in occurrence along the longitudinal dimension of the composite web. Desirably, the first and second serpentine division lines are substantially coextensive, and the hill regions 114 and 114a of the first and second serpentine division lines do not extend into the webs of panel material 56. (Emphasis supplied, see Col 4, lines 14-35 of the '317 patent)

For the sake of clarity, Figure 6 of the Justmann '317 is represented below.

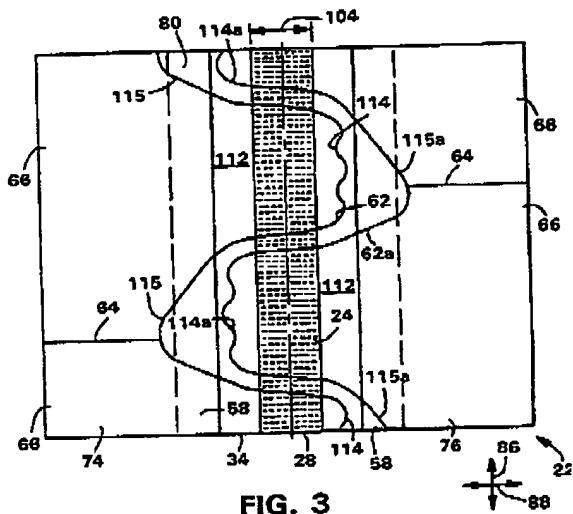


FIG. 3

It is Applicants' position that Justmann '317 does not teach or even remotely suggest the step of cutting the continuous fastening composite web along a continuous cut line comprising a plurality of repeating patterns, each of the repeating patterns extending from one panel region through the two first fastening materials to reach

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the other panel region and extending to return from the other panel region through the two first fastening materials to reach the one panel region. (Emphasis added).

Applicants respectfully submit that since Justmann '317 requires that "the hill regions 114 and 114a of the first and second serpentine division lines do not extend into the webs of panel material 56," consequently Justmann '317 teaches away from the claimed invention.

Applicants also submit that neither Brutin '537 nor Jacobs et al. '531 correct for the deficiencies of Justmann '317.

Applicants submit that it is basic patent law that "[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation ... to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure." *In re Vaeck*, 947 F.2d 488, USPQ 2d 1438 (Fed Cir. 1991). (Emphasis added)

Applicants also remind the Office that "[w]hen applying 35 U.S.C. 103, the following tenets of patent law must be adhered to: (1) The claimed invention must be considered as a whole; (2) the reference must be considered as a whole and must suggest the desirability and thus the obviousness of making the contribution; (3) the reference must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention and (4) reasonable expectation of success is the standard with which obviousness is determined." (Emphasis added) *Hodosh v. Block Drug Co., Inc.*, 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187, n.5 (Fed. Cir. 1986). MPEP 2141.

When considering the claimed invention as a whole, the Office must take into consideration the features of the repeating patterns extending from one panel region through the two first fastening materials to reach the other panel region and extending to return from the other panel region through the two first fastening materials to reach the one panel region, features that are neither taught nor suggested by Justmann '317, Brutin '537 or Jacobs et al. '531.

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Claim 5 stand rejected under 35 USC §103(a) as being unpatentable over Justmann '317 in view of Brutin '537, Jacobs et al. '531 and further in view of Roessler et al.

Claim 8 stand rejected under 35 USC §103(a) as being unpatentable over Justmann '317 in view of Brutin '537, Jacobs et al. '531 and further in view of Long et al.

Claim 10 stand rejected under 35 USC §103(a) as being unpatentable over Justmann '317 in view of Brutin '537, Jacobs et al. '531 and further in view of Melby et al.

For the sake of brevity, Applicants submit that none of these references correct for the deficiencies of Justmann '317.

For the foregoing reasons, it is Applicants' position that the Office has failed to establish a *prima facie* case of obviousness.

Reconsideration and withdrawal of the rejections are therefore respectfully requested.

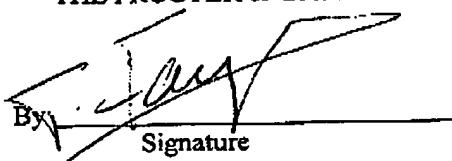
Conclusion

It is submitted that all the claims are in condition for allowance. Early and favorable action on all claims is therefore requested.

If the next action does not allow the claims, the undersigned representative is requesting the favor of a telephonic interview.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By: 
 Signature
 Thibault Fayette
 Typed or Printed Name
 Registration No. 56,143
 (513) 634-7758

Date: April 18, 2006
 Customer No. 27752